

Temporary A-901 & CPCN Approval Process

For Collection, Brokerage and Transport of Non-Hazardous Solid Waste Only

This guidance is ONLY for people seeking a temporary A-901 license and CPCN to assist NJ in its recovery from Hurricane Sandy. Your company must already have solid waste transportation equipment (owned or leased) and have the requisite experience in the solid waste industry.

In response to Hurricane Sandy and its aftermath, Governor Christie issued Executive Order 104 which declared a State of Emergency in the State of New Jersey. By Administrative Order dated October 27, 2012, Commissioner Martin authorized statewide debris management flexibility to ensure public safety during and after the hurricane. The volume of solid and hazardous waste generated by Hurricane Sandy exceeds the existing capacity of the State's A901 licensed solid waste transportation and disposal industry. N.J.S.A. 13:1E-135(a)(2) authorizes the Department to issue a temporary A901 license authorizing an entity to broker, collect, transport or dispose of solid waste, if the Department determines that issuance is necessitated by the public interest. For the foregoing reason, the Department has determined that issuing temporary A901 licenses is necessary. These Temporary Licenses will be valid for no more than six months or until the State of Emergency is over, whichever occurs first. The issuance of a temporary license in all cases is conditional upon the applicant signing an agreement that it will immediately cease its solid waste operations and surrender any solid waste transporter decals issued by the Department upon the expiration date of the temporary license if not renewed by the Department and a license has not been approved by the Department, or upon order of the Department.

What is an A-901 License?

An A-901 license is required for anyone engaging in the solid waste industry in NJ¹ to be legally authorized to collect, broker, and/or transport solid waste or to operate a permitted solid waste facility. The A-901 program was established to ensure that every participant in the solid waste industry possesses the requisite integrity, reliability, expertise and competence to operate in the solid/hazardous waste industry of New Jersey. To further this objective, the Department is authorized to reject an individual or business concern from participation in the waste industry when they fail to meet these standards.

What is a Certificate of Public Convenience & Necessity (CPCN)?

A-901 Transporters, Facilities and Brokers are regulated as public utilities in the State of NJ. These entities require a Certificate of Public Convenience & Necessity (CPCN) under the Solid Waste Utility Control Act.

DEP Authority: A-901 Law N.J.S.A. 13: 1E-126 et seq and N.J.A.C. 7:26-16.1; and Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 and N.J.A.C. 7:26H-1.1.

¹ Entities may transport self-generated waste to a licensed disposal facility without an A901 license. This exemption does NOT apply to waste collected from cleanouts of other properties.

If you or a key employee has a disqualifying crime as found in the A-901 rules at N.J.A.C. 7:26-16.8 DO NOT APPLY for a temporary A-901 license and call the Division of Law for guidance at (609) 292-6018. The rules are found at www.state.nj.us/dep/dshw/resource/rules.htm

A "Key employee" is defined as any individual employed by the applicant, the permittee or the licensee in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the business concern, but shall not include employees exclusively engaged in the physical or mechanical collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste. N.J.S.A. 13:1E-127(f).

What should I do before I file an A-901 Disclosure Statement?

1. Establish a business name
2. Obtain a Tax Identification Number
3. Register your business name with the State or County:
(If a Corporation or LLC register with the Secretary of State; if a Sole Proprietor, register with the appropriate County Office)
4. Read the A-901 Application Instructions
5. Demonstrate that you have experience in the waste transporting/broker field, and
6. Identify all key employees.

Step 1: File A-901 Disclosure Statements

- **Applicants must fill out a Temporary Hurricane Sandy A901 Business Concern Disclosure Short Form, and a Temporary Hurricane Sandy Personal History Disclosure Short Form for each owner, officer, debt holder and key employee of the applicant. Mail all applicable completed forms to the A901 Unit at the Division of Law (DOL):**

Forms should be downloaded from DEP's Hurricane Sandy website:

<http://www.nj.gov/dep/special/hurricane-sandy/>

Additional submittals are required for key employees, certain leased vehicles/equipment, and others, as listed in the A-901 Instructions. **Fingerprinting** is also required; see the Instructions section marked Fingerprint Procedures for details.

- **Pay the associated A-901 filing fees:** After you submit your A-901 Application Package, **you will be mailed an invoice/bill.** The non-refundable fee is calculated based on the number of disclosure statements you file; see N.J.A.C. 7:26-16.13(a). The minimum amount you will be billed for this A-901 filing fee is **\$1,235 for a business with 1 key employee.** Additional A-901 submittals and fees are required for each additional key or second level employees identified, or certain leased equipment.

If you need assistance with completing your A-901 forms, or have any questions about what forms are required, please read the Instruction Section. If you require additional assistance, you should contact the DOL's A-901 Unit directly at (609) 292-6018.

Review and Approval Process: Your package gets reviewed by DOL and New Jersey State Police (NJSP). NJDEP receives the recommendation from DOL and conducts a Reliability, Expertise and Competency check on your business. Your business must be in good standing, you must have experience and you must demonstrate Reliability, Integrity, Competency & Expertise before NJDEP can issue this license to your company.

Step 2. Submit information to apply for a temporary Certificate of Public Convenience and Necessity (CPCN), with your temporary A-901 application.

You must submit three (3) items: a certified statement regarding the solid waste rates you will charge your customers; Proof of registration for your company to operate in the State of NJ; and Proof of registration called “Register for Tax and Employer Purposes” with the NJ Division of Revenue. (All business registration and Tax/employer questions can be directed to the NJ Division of Revenue: (609) 292-9292, or online at: <http://www.nj.gov/treasury/revenue>

NJDEP will not charge a fee for a temporary CPCN; however, your company will be required to report its gross annual revenues derived from solid waste activities and pay an annual fee assessment based on **one-quarter of 1% of your annual gross operating revenue** or a minimum of \$600. NJDEP will send an annual report for each utility to complete due by June 2013 and a bill will be generated based on the report with an invoice that will be sent to your company for payment.

If you have questions about the CPCN or operating as a public utility, please call the Economic Regulation Unit at (609) 984-2080.

Step 3. Obtain Approvals to Transport solid waste.

NJDEP requires transporters to register equipment prior to commencing operations. You are required to fill out a registration statement to register all equipment that will be used for waste transportation. These forms are found on NJDEP’s Hurricane website.

You will be asked to supply a valid copy of your commercial motor vehicle registration for each Cab, Trailer or Single Unit Vehicle you are registering. Proof of valid insurance must also be submitted which may include an MCS-90 endorsement. Interstate solid waste transporters must follow Federal USDOT requirements prior to applying at NJDEP and have proper insurance. If the vehicle/equipment is leased, the applicant must supply a valid written lease agreement AND an NJDEP Lease Certification for any piece of equipment not owned/registered by the application. A sample lease is found at: [www.nj.gov/dep/dshw/hwr/2011-2013 Lease Attachment Renewal.pdf](http://www.nj.gov/dep/dshw/hwr/2011-2013%20Lease%20Attachment%20Renewal.pdf)

If you need assistance with completing your registration statements and applicable forms or have questions, please contact NJDEP’s Registration Unit at (609) 292-7081.

RENEWAL, UPDATES, AND CHANGES IN INFORMATION:

Please note that NJDEP and DOL must be notified within 30 days of the transaction date of any changes including changes of address, telephone numbers, owners, directors, officers and key employees. Questions may be directed to the A-901 Unit at (609) 292-6018.